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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------|-------------|----------------------|---------------------|------------------|
| 09/804,621 | 03/12/2001 | Serge Willenegger | QCPA363DIVC1 | 3167 |
| 23696 | 7590 | 04/05/2006 | EXAMINER | |
| QUALCOMM, INC | | | WILSON, ROBERT W | |
| 5775 MOREHOUSE DR. | | | | |
| SAN DIEGO, CA 92121 | | | ART UNIT | PAPER NUMBER |
| | | | 2616 | |

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/804,621 | WILLENEGGER ET AL. | |
| | Examiner | Art Unit | |
| | Robert W. Wilson | 2616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7,9-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 7,9-14 and 16-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 March 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 7, 9-14, & 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann (U.S. Patent No.: 5,604,730)

Referring to claims 7 & 14, Tiedemann teaches: A wireless communication system (inherent system between the base station and mobile station per col. 4 line 55) comprising: a mobile (remote station per col. 4 line 56) which transmits a reverse link signal comprising a plurality of sub-channel signals (a plurality of mobiles transmitting on the reverse packet channel which inherently means since multiple mobiles are transmitting in the reverse packet channel that there are subchannels for each mobile so that their signals do not collide and communication over the channel works per col. 4 lines 58-61) A base station (base per col. 4 lines 52-61) for independently adjusting the transmission power of one or more said plurality of sub-channel signals by generating a power control message for adjusting the transmit power of at least one of said plurality of sub-channel signals in accordance with a type of data communicated via a corresponding one of said sub-channels (The applicant broadly claims "type of data". The reference teaches that a power control message is sent over the forward channel to dynamically adjust the transmit power of one or more mobile radios transmitting on the reverse packet channel which controls the power level of each packet forward channel which the examiner interprets as having a type of data associated with a mobile per col. 4 lines 52-67)

Art Unit: 2616

A comparator for comparing a frame error rate of at least one of said subchannel signals with a frame error threshold for said generating said power message (The reference teaches that comparing Eb/Io to a threshold and then adjusting the power control message per col. 4 line 52-col. 6 line 38)

Tiedemann does not expressly call for: measuring and comparison thresholding FER

Tiedemann teaches: the relationship between measuring Eb/Io per Fig 2 or per col. 6 lines col. 6 lines 39-67

It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the measuring and thresholding of Eb/Io with the measurement and thresholding of FER because the reference other conditions which the examiner has interprets as measuring and thresholding of FER can be substituted because they would yield similar results per col. 7 lines 49-53.

In Addition Tiedemann teaches:

Regarding claims 9 & 16, Tiedemann teaches: frame error rate of each of said subchannels is based on said type of data being communicated via said subchannel (The rejection above for claim 7 explains how frame error rate is measured on each forward packet channel associated with a mobile or subchannel. The applicant broadly claims "type of data". The reference teaches that a power control message is sent over the forward channel to dynamically adjust the transmit power of one or more mobile radios transmitting on the reverse packet channel which controls the power level of each packet forward channel which the examiner interprets as having a type of data associated with a mobile's forward packet channel per col. 4 lines 52-67

Art Unit: 2616

Regarding claims 11 & 18, wherein said power control message includes at least a plurality of bits wherein each bit represents a command to increase or decrease the transmit power of one of said subchannel signals by a predetermined amount (The reference teaches that the power control message are made up of bits for increasing and decreasing the transmit power a specific amount per col. 6 lines 56-col. 7 lines 48)

Regarding claims 12& 19, the base station generates a plurality of channel gain values , wherein each gain value is applied to one of said plurality of subchannel signal for said adjusting the transmission power of said sub channel signal (The reference teaches that the base station sends a message with power control bits for each packet forwarding channel associated with a mobile or subchannel per col. 4 lines 52-col. 5 line 5 and per col. 6 lines 48-col. 7 line 54.

Referring to claims 10 & 17, Tiedemann teaches the communication system as recited in claim 7 or claim 14 and measuring and comparing the FER to a threshold for each mobile in the plurality of forward packet channels

Tiedemann does not expressly call for: a threshold generator

Tiedemann teaches: measuring and comparing the FER to a threshold for each mobile in the plurality of forward packet channels per col. 4 lines 53-col. 6 line 47.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement device which would keep track of the thresholds for each forward packet channel in order to implement the method of keep a threshold for each forward packet channel associated with a mobile because a device is required for implementation of a method.

Art Unit: 2616

Referring to claim 13 & 20, Tiedmann teaches the communication system as recited in claim 7 or claim 14 and determining frame errors on each forward packet channel or subchannel per col. 4 lines 53-col. 6 line 37 and per col. 7 lines 49-53.

Tiedmann does not expressly call for: a plurality of decoders for measuring frame error

Tiedmann teaches: determining frame error per col. 6 lines 40-col. 7 lines 54.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the method of determining frame error on a device or decoder because a method requires a device or decoder in order to be implemented.

Response to Amendment

3. Applicant's arguments with respect to claims 7, 9-14, & 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075.

The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571/272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert W. Wilson

Robert W Wilson
Examiner
Art Unit 2616

RWW
3/22/06

Doris H. To

DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600